Evaluation of the

Alberta

Environmental Appeal Board

1997

Stakeholder Consultation

TABLE OF CONTENTS

I. INTRODUCTION	1
II. METHODOLOGY	3
III. ANALYSIS	4
A. General Comments	5
B. Specific Comments	9
1. The *Environmental Protection and Enhancement Act*	9
s.83	9
s.84	9
s.87(2) and (5)	10
s.88	11
s.90(3)	12
s.92.2	12
s.95(b)	13
2. Environmental Appeal Board Regulation	13
s.4(1)	13
s.6	13
s.7	14
s.9	14
s.11	14
s.12	15
s.13(e)	16
s.14	16
s.17.1	16
s.20(3)	16
s.26	17
s.33	17
3. The Rules of Practice	17
General	17
Definitions	18
Conduct	18
Miscellaneous	19
Review by the Board	19
Stays	19
Request for Information	20
Motions	20
Determination of Issues	20
Site Visit	21
Notice of Hearing	21

Third Party Intervention	21
Facilitation	22
Written Submissions	22
Expert Witnesses	22
Burden of Proof	22
Closing of the Record	23
Costs	23
IV. CONCLUSION	23
APPENDIX A: CIRCULATION	24

EVALUATION OF THE ALBERTA ENVIRONMENTAL APPEAL BOARD

I. INTRODUCTION

An environmental appeal process for Alberta was first proposed in early 1988 by the Review Panel on Environmental Law Enforcement. The panel had been asked by the Alberta Government to make recommendations to strengthen the enforcement of Alberta's environmental statutes. With respect to licence appeals, this panel recommended that:

- an appeal process or mechanism be established for an appeal from a permit or licence decision of the Director of Standards and Approvals to be made to avoid the imposition of unrealistic terms and to ensure that licence negotiations not carry on indefinitely;
- standing to appeal be available to the applicant and to third parties who can demonstrate both an interest in and a potential impact from the applicant's operation;
- the appeal board be made up of representatives from government, industry and the public;
- the appeal board have jurisdiction to hear all appeals of licences issued pursuant to environmental statutes;
- the appeal be heard within a specified number of days; and
- further appeal to the courts be restrict to questions of law or jurisdiction.

In June of 1990, a discussion draft of the *Environmental Protection and Enhancement Act* was released by the Honourable Ralph Klein, then Minister of Environment. It contained several sections establishing "boards of review" (similar to those under the Canadian Environmental Protection Act) to hear appeals of certain specified matters. The government appointed the Environmental Legislation Review Panel, chaired by Brian Evans, then Minister of Justice, to provide members of the public the opportunity to express their views. The panel held public meetings throughout the province in the fall of 1990 and received both oral and written submissions. It submitted its report in January of 1991 and the concept of an appeal mechanism was confirmed.

The discussion draft was redrafted and introduced in the Legislative Assembly as Bill 53 in June of 1991. Bill 53 changed "boards of review" to an "Environmental Appeal Board" similar to the one we see today. In May of 1992, following further public input, the Act was re-introduced as Bill 23 and received third reading and Royal Assent on June 26, 1992. It was proclaimed effective September 1, 1993, and the Environmental Appeal Board was created as of that date.

The Board was conceived as a body that would offer an unbiased and impartial approach to regulated industry. The panels reviewing proposals for legislative

change were initially concerned that regulated industries believed they were being treated unfairly by government regulators and were being required to meet more stringent requirements than were justifiable in the circumstances. However, in the course of the development of the Act and its regulations, it became apparent that members of the public were also concerned with the licensing process and looked to an independent appeal process as a way to have a say in the licensing of the projects that might, through their operations, have a negative impact on the environment. The government responded to these concerns and, as a result, the Board is now in place to hear appeals and make decisions or recommendations in accordance with its powers under the Act.

The Board replaces several discrete appeal processes that were available under statutes repealed by the Act.

Appeals under the Agricultural Chemicals Act, to the Agricultural Chemicals Advisory Committee.

Appeals of chemical control orders issued under the Hazardous Chemicals Act, to the Hazardous Chemicals Advisory Committee.

Appeals of stop sale orders and depot operation stop orders issued under the Beverage Container Act, to the Minister of Environment Council of Alberta for injury.

Appeals under the Ground Water Development Act, to an appeal board established by the Minister.

Appeals of stop orders issued under the Land Surface Conservation and Reclamation Act, to the Minister and the Environment Council of Alberta for inquiry.

Appeals of stop orders issued under the Clean Water Act and the Clean Air Act, to the Minister and the Environment Council of Alberta for inquiry.

Appeals of stop orders issued under the Department of the Environment Act, to the Minister and the Environment Council of Alberta for inquiry.

Appeals of clean-up orders issued under the Litter Act, to review committees appointed by the Minister.

The following is a listing of all areas that the Board sought out to provide a review of their practice. In total 23 responded. Of the 73 requests sent out this represents a 32% participation.

II. METHODOLOGY

During March and April 1997, the Board sent out 73 letters to various stakeholders inquiring on the following:

"The Environmental Appeal Board was established on September 1, 1993, in conjunction with Alberta's *Environmental Protection and Enhancement Act*. The Board was established to hear appeals from applicants and affected parties on decisions regarding environmental approvals, enforcement actions, reclamation certificates, certificates of qualification, and other matters.

It is timely to evaluate the Board's operation in relation to the public's expectations as the Board has been actively hearing appeals for more than three years. We would appreciate your assistance in this evaluation by reviewing and commenting on the enclosed Rules of Practice and the new Environmental Appeal Board Regulation. With three years' of experience and growth, it was timely to amend the Regulation in 1996 to incorporate amendments that would enhance the operation of the Board and the appeal process. The Rules of Practice were adopted shortly after the Board commenced as a means of

providing rules for the operation of the Board and allow the public to be aware of their practices during the appeal process."

A response date of May 1, 1997, was requested. On April 9, 1997, the Board sent out a follow up letter to participants that read:

"On March 12, 1997, the Board forwarded a letter to you requesting your comments on the Rules of Practice and the new Environmental Appeal Board Regulation. As your comments are important to us for this review, a response by May 1, 1997, would be greatly appreciated."

Responses were received from various groups and individuals. Summation of these comments provided will follow.

III. ANALYSIS

Responses to the Board's request for feedback on its Rules of Practice and the Environmental Appeal Board Regulation varied in both depth and perspective. Because the consultation list for feedback included a variety of stakeholders - i.e.: industry, government, and private individuals that had participated in appeals - varied viewpoints were predictable; yet, there were even some viewpoints that were shared.

The following analysis is divided into two sections. The first section is a general narrative pertaining to the overall operation of the Board. It provides general comments (without reference to any section of the relevant legislation), and an overview of themes. The second section is comprised of specific comments that pertain to sections within: 1) the *Environmental Protection and Enhancement Act*, 2) the Environmental Appeal Board Regulation, and 3) the Board's Rules of Practice. Each of the comments is referenced to its source.

A. General Comments

Most stakeholders appreciated the opportunity to respond to the Board's inquiry. Several respondents that did not have any direct dealings with the Board and some had first-hand experience with the Board. Favorable comments tended to support the approval and appeal process under EPEA, resulting in a more open and accountable process;(1) some commented that the mediation process used by the Board was commendable "From our vantage point, we believe that the EAB has made effective use of mediation in the disposition of appeals before it"(2); one respondent in particular indicated that the mediation they had been involved in had been a positive experience.(3)

Others expressed their disappointment that the Board was not more "decidedly environmental in its perspective..."(4) and that the EAB "operates to the benefit of developers in nearly every case."(5) Some also found the appeal (mediation) to be expensive and time-consuming,(6) and one respondent suggested that appeals could be avoided if appellants have a better understanding of the facts of the situation.(7)

There were also some comments promoting a more "public" image for the Board. For example, one respondent suggested that the Board staff could play a direct role in preparing and providing educational materials about the hearing process and related issues.(8) There was also encouragement for the Board to provide appellants with a clear understanding (orientation) of the appeal process at the initial stage of the process.(9) Another respondent even suggested broadening the ambit of the Board's jurisdiction to enable it to make recommendations to the Department that go beyond the resolution of the specific matter before the EAB, and to take on additional responsibilities for holding general policy based hearings on issues arising from EPEA, at the direction of the Minister of Environmental Protection.(10)

Efficiency of appeal and timeliness was also mentioned. Some respondents encouraged the Board to work hard at expediting the appeal process(11) and recommended that every effort should be made by the Board to ensure time lines are maintained in the most expeditious manner.(12)

General comments received included the following:

"For the most part the Regulation and Rules of Practice appear to provide a reasonable approach to dealing with appeals.(13) We applaud this approach as the proper means to resolve issues.(14) Accordingly, AAFRD supports the continued use of pre-hearings and mediation to resolve appeals in a quick and effective manner.(15) I found the staff in the Board office to be invariably pleasant, efficient, and helpful.(16) However, in my experience the present Board has done a good job in keeping interested people informed.(17) Although we have had limited experience with the EAB, we were impressed by the dedication of the members and the integrity of the process when we have been involved. The informal process used is fair and well managed by experienced, courteous professionals with good judgement. The management and administration of the process was very good and provided a fair hearing.(18) In general both the Rules of Practice and Environmental Appeal Board Regulation as currently drafted assist in the effective operation of the Board and the development of an efficient and responsive appeal process.(19) In our view, the establishment of the EAB was one of the highlights of the new Environmental Protection and Enhancement Act (EPEA) and was a very important innovation for environmental law in Alberta. Nonetheless, it is important for any organization to assess its practices and procedures on a regular basis and we commend the EAB for looking outside its own organization for comments and suggestions.(20) It is a pleasure to work with a government that is sensitive to the needs and desires of the citizens.(21) NGTL has one project appealed to the Board, and found the experience to be positive. The Chair at the time, William Tilleman, was helpful in bringing NGLT and the appellant to a resolution outside the hearing.(22) The Board appears to be the appropriate forum in which the public could have these issues addressed.(23) We recognize the need for the Environmental Appeal Board to address environmental concerns of the public and applaud the use of alternative dispute processes.(24)"

Other miscellaneous comments raised pre-appeal concerns with the approval process(25) (as opposed to after the approval is issued), suggesting the current process contains a risk that appeals that are made to the Board may actually be compensation issues.(26) Still another respondent suggested that the Board should circulate its proposed recommendation or decision for comments, prior to making a recommendation to the Minister or deciding on the matter itself.(27)

A recurrent theme in many of the responses was that of the status of a "party". Alberta Justice's comments illustrate the confusion in the minds of some:

It would be helpful if the Board would identify the parties (as defined by section 1(f) of the Regulation), the section 87(3) persons entitled to make representations to the Board in a hearing and the section 7(2) persons. It would be equally of assistance if the Board outlined how a person may seek to be designated either a party or a person entitled to make representations. Approval holders should be included in section 1(f) of the regulation.(28)

Another topic mentioned by four respondents was the concept of "directly affected". The specific comments are listed below under the heading "s. 88", but it is interesting to note that the range of respondents bringing forth this issue was broad.

B. Specific Comments

1. The *Environmental Protection and Enhancement Act*

s. 83

Can the Board remain at arms length from the government when it is appointed by the Minister and when the majority of its decisions are subject to ministerial review and amendment?(29)

s. 84

It is unclear what reasonable grounds are for an appeal. Specific grounds for appeal should be identified.(30)

We believe that the definition of directly affected adopted by the EAB is far too narrow as it excludes parties that we believe are indeed directly affected by an administrative decision and deserve an audience before the EAB. Second, the EAB's test for directly affected is so complex that it offers potential parties little predictability on this issue. It is worthy to note that this latter point has been made to the Environmental Law Centre by both industry and environmental interests. ... The Environmental Law Centre has consistently supported the following test for standing in environmental hearings:

standing should be awarded to any person or group who

(a) has a clearly ascertainable interest which ought to be represented at the hearing, or

(b) has an established record of legitimate concern for the interest it seeks to represent, or

(c) has a legitimate interest, representation of which is necessary for a fair decision.(31)

The definition of "directly affected" needs to be clear. Too often appeals and hearings are instigated by those who have a non-legal interest that can result in the imposition of very severe costs on project proponents.(32)

The strict and uncritical application of the "directly affected" test removes virtually all appellants.(33)

Once the Board determines that at least one appellant is "directly affected" and the Board has jurisdiction to proceed, the matter of the addition of additional parties should proceed as virtually an administrative matter.(34)

s. 87(2) and (5)

Any appeal of a decision made under EPEA should not be another "hearing" of the same issues already addressed in previous hearings or other public involvement processes.(35)

[Since] the Board Hearing is a hearing de novo any evidence which is created between the date of the decision maker's decision and the date of the hearing will be evidence which can be reviewed by the Board. The Board may choose to adopt the general rule that "new evidence" which was discoverable through reasonable diligence at the time of the original decision is inadmissible on appeal.(36)

We would hope that the conduct of any hearing be limited to the specific issues stated in the original appeal, objection or statement of concern.(37)

s. 88

To participate effectively in EAB hearings, public interest participants need financial support, and we believe the costs provisions in the Act and regulations

acknowledge this need to level the playing field in respect to the costs of participation. We think that it would be helpful if the EAB were to issue non-binding guidelines as to when it will order the payment of interim costs in favour of public interest participants.(38)

In what circumstances should cost penalties be levied against interveners, and at what level?(39)

When would "any other party" have to pay the costs associated with an appeal? What are the criteria? It would not appear reasonable to hold a company, who was issued an approval by the government, responsible for any of the costs associated with an appeal. The criteria for determining who is responsible for the costs, in whole or in part, should be defined in the Rules of Practice.(40)

It may be of assistance to potential parties for the Board to develop guidelines as to costs in addition to sections 18, 19 and 20 of the Regulation. Some form of document that is similar to the information letters sent out by the EUB or NRCB would be helpful.(41)

s. 90(3)

CEPA is concerned that the Board could overturn an entire approval through this process. Overturning an entire approval can lead to substantial costs for example, if contracts have already been established as a result of receiving the approval initially.(42)

One of the most important issues facing those involved in EAB hearings is: What is the test to be used by the EAB in reviewing an administrative decision under EPEA? We believe that there is a need to legislatively clarify this matter to provide predictability to potential appellants.(43)

s. 92.2

In our view the privative clause weakens environmental law in Alberta and the EAB process. Judicial review decisions preceding the enactment of the privative clause provided useful clarification of the law, in our view.(44)

Clause 92.2 would only be acceptable if we could be sure that the Board and the Minister are infallible.(45)

s. 95(b)

Could this section be used to pass a regulation limiting grounds of the appeal? (46)

2. Environmental Appeal Board Regulation

s. 4(1)

We are concerned that the Chair has the authority to determine costs and make decisions without consultation with others.(47)

s. 6

It may be helpful to indicate in the Rules of Practice whether a panel is seized with all matters arising from the filing of appeal or if there can be a number of panels with respect to a single Notice of Objection.(48)

s. 7

It would be helpful if the practice of providing a list of dates and then ascertaining from the parties if they are available is included in the Rules of Practice.(49)

The Board may wish to have its regulation amended to make it clear that s. 7(2)(c) and s. 9 relate to persons who would not ordinarily be thought of as parties.(50)

s. 9

What criteria will be used to determine if a party will be allowed to make a presentation under section 9(2) of the Regulation?(51)

s. 11

We would recommend that public notice on an issue should proceed only after mediation attempts have failed.(52) Mediation should be taken on a "without prejudice basis"; see for example s. 70(a) and 67(3) of the Electric Utilities Act.(53)

It is our understanding that a good environmental mediation should include every person who is in a position to undo the result of the mediation at the end of the day. Using this test, it becomes essential that the parties to an appeal are determined before any mediation meetings are held, and that "party" is defined very broadly. It is also our understanding that a prerequisite for a successful environmental mediation is for the parties to determine the rules for the mediation. We urge the EAB to adopt this approach when initiating mediative procedures.(54)

AAFRD supports the continued use of pre-hearings and mediation to resolve appeals in a quick and effective manner.(55)

Mediation is not appropriate when interpretation of the principles of law are required. Mediation should only be applied for appropriate circumstances and not where decisions need to be made to clarify ambiguities in the law, or where department operating practices are validated.(56)

A concern may exist that the [mediation] process is not appropriate in every circumstance. The location of the meeting [should be neutral and appropriate] because it sets a tone as to the ability of the parties to speak frankly and to express clearly their views.(57)

s. 12

The Board may consider allowing parties to settle a dispute such that if it is important to them that the whole of their settlement be approved, the Board must approve, or reject that settlement as a package.(58)

Where the parties agree to a resolution through a mediation, the Board may wish to consider the resolution as equivalent to a withdrawal of the Notice of Objection under s. 87(7) of the Act.(59)

What happens if parties agree to something that is beyond the Board's jurisdiction?(60)

s. 13(e)

This is an example of very broad discretionary powers.(61)

s. 14

Should the Board have the ability to allow parties to direct written questions to each other in written hearings?(62)

s. 17.1

It seems strange that written hearings would be allowed without the consent of all parties, but not electronic hearings, since written hearings have a much greater potential to be unfair than electronic hearings.(63)

s. 20(3)

[Companies] should not be held financially responsible for the final decision of the government. We would recommend that further definitions in the Rules of Practice be included regarding when a party may be eligible for recovery of costs and who will be responsible for these costs.(64)

s. 26

Perhaps there should be some reference to FOIP here.(65)

s. 33

The awarding of costs for whatever reason should be a policy decision of government and the cost borne by government. The appeal is against the government for its decision - not against the proponent.(66)

3. The Rules of Practice

General

In what circumstances would the Board close a hearing [to the public]? Should these be spelled out?(67)

It may be useful to clarify the distinction between the term "notice of appeal" in the Rules of Practice and the "notice of objection" terminology used in the statute.(68)

It would be of assistance if the Board would set out in its Rules of Practice a procedure to be followed with respect to any submissions that are requested by the Board. This procedure could also apply to written submissions under s. 10 of the Regulations. Respondents should be able to review appellants' submissions prior to submitting their comments.(69)

Definitions

The term "standing" has not been defined in the document.(70)

The definition of "chair" includes a member acting as chair, but the regulation is more restrictive. It defines "chair" as the chair of the Board. It might be better to distinguish between "acting chairs" and chairs of hearing panels.(71)

It is interesting that "party" does not include the person to whom a licence or permit or order has been issued.(72)

Conduct

Should the power be to "require full disclosure" rather than to "seek" full disclosure?(73)

Miscellaneous

The rules state that the board shall consider all notices of appeal as expeditiously as possible. There should be an indication in the Rules, and

potentially in the regulation, of what is an "expeditious" manner (e.g. a specified time between when an appeal is received to when the final report is issued). (74)

CEPA requests that the *Access to Information Act* is respected in the appeal process.(75)

Review by the Board

The Board might want to give notice of its intent to dismiss an appeal and provide an opportunity to the person whose appeal may be dismissed to make submissions before the Board takes such a drastic step.(76)

Stays

When making an order granting a stay, the Board probably has implicit power to impose terms or conditions on the order, but it may be worthwhile to make this power explicit to avoid argument.(77)

Request for Information

The Board could prevent misunderstandings by notifying would-be appellants that if they have no further relevant information to give, they should state that fact in writing.(78)

It would be helpful if the Board would consider some discussion as to the extent of information the Board wishes to have from the decision maker, subsequent to receipt of a Notice of Appeal. The reason for the request will affect the amount and type of information which is presented to the Board. Is it to determine whether the Board has jurisdiction? To assist the Board in preparing for the hearing? To assist the parties in obtaining disclosure of documents?(79)

Motions

This section could be expanded to provide more guidance for individuals who are not familiar with the concept of motions.(80)

The two clauses provided may be confusing.(81)

Determination of Issues

The Board should give reasons for excluding issues from consideration.(82)

Site Visit

Will parties be in attendance at the site visit? What use will be made of the information obtained at the site visit?(83)

Notice of Hearing

The notice of hearing will have to contain different information, depending on whether it is an oral hearing, an electronic one, or a written one.(84)

The Board should be expected to publish notice in the places of residence of all those who gave notice of appeal.(85)

Third Party Intervention

"Tangible interest" should not be interpreted in an unduly restrictive manner.(86)

The Rules of Practice refer to person as being an "intervenor" and then, in the final paragraph, states that the person becomes a "party". This may not be supported by the legislation.(87)

Facilitation

The rule might be amended to exclude from the hearing not only the Board Member chairing the hearing but also any other Board Member who may wish to be present at the mediation.(88)

Written Submissions

It is more efficient for responding parties to have something to respond to, than to have all parties filing submissions in a vacuum.(89)

Expert Witnesses

Why doesn't the Board qualify their witnesses?(90)

Burden of Proof

It should be made more clear that the party appealing a decision has the overall burden of proof to prove that the EAB should grant or refuse the relief sought by the notice of objection.(91)

The heading should be "Burden and Standard of Proof". If the Board's hearings involve taking away a licence which is a person's livelihood, then the standard should be "clear and cogent evidence", which is a higher standard.(92)

Closing of the Record

The Board may want to make it clear that this refers to additional evidence after closing the record, but before rendering a decision or making a recommendation.(93)

Costs

We would encourage you to add a separate paragraph under this section to note that:

"...any party to a proceeding before the Board may make an application in writing to the Board for an award of costs to any party for both time and out-of-pocket expense resulting from a notice of appeal or submission of evidence considered by the Board to be frivolous, vexatious or without merit."(94)

IV. CONCLUSION

The comments provided by the numerous stakeholders are valuable and will be reviewed and weighed against competing interests to determine the extent to which they can be adopted. Because the number of environmental appeals each year in Alberta is continuing to increase, the Board will continually strive to ensure that its practices result in fair, impartial and efficient resolution of environmental appeals.

APPENDIX A: CIRCULATION

Group/Individual	Date Evaluation Mailed	Date Response Received	No Response Received
Mr. Brad Wright Director of Provincial Affairs, Canadian Federation of Independent Business	March 12, 1997		x
Mr. Andy Von Busse Senior Vice President, Alberta Fish and Game Association	March 12, 1997		x
Ms. Bonnie Stowkowy, P. Eng. Manager, Environment & Transportation, Canadian Energy Pipeline Association	March 12, 1997	April 30, 1997	
Mr. Merv Ellis Executive Director, Alberta Construction Association	March 12, 1997	April 29, 1997	
Mr. Ian Zaharko Barrister & Solicitor	March 12, 1997		x
Ms. Kim Lakeman Strategic Management, Environmental Protection	March 12, 1997	April 30, 1997	
Mr. Stan Rutwind Senior Solicitor, Environmental Law, Alberta Justice	March 12, 1997	May 23, 1997	
Mr. Doug Radke Deputy Minister of Agriculture, Food & Rural Development	March 12, 1997	April 14, 1997	
Dr. Richard Hyndman Deputy Minister of Energy	March 12, 1997	(Bob King, Deputy Minister) April 30, 1997	
Mr. Bob King Deputy Minister of Economic Development & Tourism	March 12, 1997	April 21, 1997	
Mr. George Newton Coordinator, Alberta Environmental Network	March 12, 1997		x
Mr. Rob Macintosh Executive Director, Pembina Institute for Appropriate Development	March 12, 1997		x
Mr. Garry Leithead Executive Director, Alberta Forest Products Association	March 12, 1997	(Neil Shelly, Director)	

		April 4, 1997	
Mr. Douglas Bruchet Vice-President, Environmental Health & Safety, Canadian Association for Petroleum Producers	March 12, 1997		x
Mr. Frank Markson Regional Director, Canadian Chemical Producers' Association - Alberta Region	March 12, 1997	May 5, 1997	
Ms. Donna Tingley Executive Director, Environmental Law Centre	March 12, 1997	May 7, 1997	
Mr. Stu Hunter Director, Environmental & Government Affairs, Coal Association of Canada	March 12, 1997		x
Mr. Roy Jensen President, Unifarm	March 12, 1997		x
Mr. John Maddison Executive Director, Alberta Urban Municipalities Association	March 12, 1997		x
Mr. Larry Goodhope Executive Director, Alberta Association of Municipal Districts & Counties	March 12, 1997	(D.B Irwin, Strathcona County) - May 23, 1997 (D. Uhrbach, County of Barrhead No. 11) - April 1,1997 (J.L. Woodward, County of Athabasca No. 12) - April 8, 1997	
Ms. Janice Taylor Manager, Western Canada Water & Wastewater Association	March 12, 1997	April 14, 1997 - by phone	
Mr. Cliff Wallis President, Alberta Wilderness Association	March 12, 1997		x
Mr. Norm Leach Executive Director, Alberta Chamber of Commerce	March 12, 1997		x
Mr. Don Currie Managing Director, Alberta Chamber of Resources	March 12, 19997		x

Mr. Andrew Hudson Vice-Chair, Environmental Law Subsection (Edmonton), Canadian Bar Association	March 12, 1997		x
Mr. Doug Graham Chairperson, Environmental Law Subsection (Calgary), Canadian Bar Association	March 12, 1997		x
Mr. Sandy Sutton Executive Director, Environmental Services Association of Alberta	March 12, 1997		x
Mr. J. Owen Saunders Executive Director, Canadian Institute of Resources Law, University of Calgary	March 12, 1997		x
Mr. Ian Rounthwaite Associate Dean, Faculty of Law, University of Calgary	March 12, 1997		x
Mr. John Swaigen Chair, Ontario Environmental Appeal Board	March 12, 1997	March 26, 1997	
Mr. J. Robert Blair Chair, Labour Relations Board	March 12, 1997		x
Mr. David Phillip Jones, Q.C. de Villars Jones, Barrister & Solicitor	March 12, 1997		x
Mr. Alastair R. Lucas Barrister & Solicitor	March 12, 1997		x
Mr. Andrew Sims The Sims Group	March 12, 1997		x
Ms. Marilyn Kansky Legal Environmental Consultant	March 12, 1997		x
Mr. David Atkinson Chairman, Alberta Chapter, Canadian Water Resources Association	March 12, 1997		x
Mr. Miles Scott-Brown Canadian Parks and Wilderness Society	March 12, 1997		x
Mr. Bill Kennedy Board Solicitor, Natural Resources Conservation Board	March 12, 1997		x
Mr. David Perry Chair, British Columbia Environmental Appeal Board	March 12, 1997		x
Ms. Mary Helen Posey Federation of Alberta Naturalists	April 4, 1997		x

Mr. Dave Poulton Canadian Parks and Wilderness Society	April 7, 1997		x
Mr. John Hayes Manager, Safety & Environment, Interprovincial Pipe Line Inc.	April 7, 1997	May 5, 1997	
Mr. Mike Pawlicki Manager, Environmental Affairs, Western Region	April 7, 1997		x
Mr. Ron Harrison Metis Nation of Alberta	April 7, 1997		x
Mr. Ken Nosky President, Metis Settlements General Council	April 7, 1997		x
Mr. Larry Simpson Alberta Regional Director, Nature Conservancy of Canada	April 7, 1997		x
Mr. Jim Acton Parks Alumni Association	April 7, 1997		x
Mr. Tom Marr-Laing Executive Director, Pembina Institute for Appropriate Development	April 7, 1997		x
Mr. Doug Massing Petroleum Services Association of Canada	April 7, 1997		x
Mr. Roger Creasey Prairie Conservation Forum, Energy & Utilities Board	April 7, 1997		x
Mr. Vern Albush Manager, Environmental & Regulatory Planning, Smoky River Coal Limited	April 7, 1997	July 7, 1997	
Mr. Gord Lehn Woodlands Manager, Spray Lake Sawmills Ltd.	April 7, 1997	(Ed Kulcsar) - June 30, 1997	
Mr. Cyril Garvey TG Engineering Ltd.	April 7, 1997		x
Mr. Robert Page Dean, Faculty of Environmental Design, University of Calgary	April 7, 1997		x
Mr. Gray Jones Western Canada Wilderness Coalition	April 7, 1997		x
Mr. E. Jarvis Western Stock Growers Association	April 7, 1997		x

Ms. Dawn Mitchell World Wildlife Fund of Canada	April 7, 1997		x
Mr. Gary Sargent General Manager, Alberta Cattle Commission	April 7, 1997	May 20, 1997	
Mr. Doug McLaughlin Alberta Chamber of Commerce	April 7, 1997		x
Mr. Art Leighton Alberta Grazing Council	April 7, 1997		x
Mr. Stan Klassen Alberta Irrigation Projects Association	April 7, 1997		x
Mr. Brydon Ward Alberta Pacific Forest Industries Inc.	April 7, 1997		x
Mr. Vic Walls Alberta Sand & Gravel Association	April 7, 1997		x
Mr. Duane Goodstriker Executive Director, Alberta Treaty First Nations Secretariat	April 7, 1997		x
Mr. Jerry Bauer Canfor Ltd.	April 7, 1997		x
Mr. Wiktor Adamowitz Department of Rural Economy, U of A	April 7, 1997		x
Mr. Gordon Edwards Provincial Manager, Ducks Unlimited	April 7, 1997		x
Mr. Terry Law Plant Manager, DuPont Canada Inc.	April 7, 1997		x
Mr. Les Johnson Manager, Environmental Affairs EPCOR	April 7, 1997	April 21, 1997	
Mr. Harvey Gardner Federation of Alberta Naturalists	April 7, 1997		x
Mr. Robert Owens Manager, Environmental and Socioeconomic Affairs, Foothills Pipelines Ltd.	April 7, 1997		x
Mr. Douglas Baldwin Senior Vice President & Director, Imperial Oil Limited	April 7, 1997	May 5, 1997	
Mr. Tim Schultz Executive Director, Environmental Services Association of	April 17, 1997		x

Alberta			
Ms. Donna Clandfield		May 12, 1997	
Mr. Gerald Ross		May 22, 1997	

Footnotes

1. Environmental Law Centre.

2. Environmental Law Centre.

3. Canadian Energy Pipeline Association (CEPA).

4. Environmental Law Centre.

5. Gerald Ross.

6. Strathcona County.

7. Strathcona County.

8. Environmental Law Centre.

9. Bob King, Alberta Economic Development and Tourism.

10. Environmental Law Centre.

11. Alberta Agriculture, Food and Rural Development. This comment referred to a situation in 1994.

12. Bob King, Alberta Economic Development and Tourism.

13. Spray Lake Sawmills (1980) Ltd.

14. Alberta Forest Products Association.

15. Alberta Agriculture, Food and Rural Development.

16. Donna Clandfield.

17. Donna Clandfield.

18. Imperial Oil Limited.

19. Kim Lakeman, Alberta Environmental Protection.

20. Environmental Law Centre.

21. Alberta Construction Association.

22. Canadian Energy Pipeline Association.

23. Canadian Energy Pipeline Association.

24. Canadian Energy Pipeline Association.

25. CEPA.

26. CEPA.

27. Alberta Justice. Se letter for suggestions on how consultation could occur.

28. Alberta Justice. See letter for a more detailed description.

29. Alberta Cattle Commission.

30. Alberta Energy.

31. Environmental Law Centre.

32. Alberta Energy.

33. Gerald Ross.

34. Environmental Law Centre.

35. Alberta Energy.

36. Alberta Justice.

37. Alberta Forest Products Association.

38. Environmental Law Centre.

39. Smoky River Coal Ltd.

40. Spray Lakes Sawmills (1980) Ltd.

41. Alberta Justice.

42. CEPA.

43. Environmental Law Centre.

44. Environmental Law Centre.

45. Donna Clandfield.

46. Alberta Energy.

47. CEPA.

48. Alberta Justice.

49. Alberta Justice.

50. Smoky River Coal Ltd.

51. Alberta Forest Products Association.

52. Alberta Forest Products Association.

53. Alberta Energy.

54. Environmental Law Centre.

55. Alberta Agriculture, Food and Rural Development.

56. Imperial Oil.

57. Alberta Justice.

58. Alberta Energy.

59. Alberta Justice.

60. Ontario Environmental Appeal Board (Ont. EAB).

61. CEPA.

62. Ont. EAB.

63. Ont. EAB.

64. Alberta Forest Products Association.

65. Alberta Energy.

66. Alberta Energy.

67. Smoky River Coal Ltd.

68. Kim Lakeman, Alberta Environmental Protection.

69. Alberta Justice. See letter for a more detailed description on how to do this.

70. CEPA.

71. Ont. EAB.

72. Ont. EAB.

73. Ont. EAB.

74. Alberta Energy.

75. CEPA.

76. Ont. EAB.

77. Ont. EAB.

78. Donna Clandfield.

79. Alberta Justice. See letter for a more detailed description.

80. Kim Lakeman, Alberta Environmental Protection.

81. Alberta Justice.

82. Donna Clandfield.

83. Ont. EAB.

84. Ont. EAB.

85. Donna Clandfield.

86. Donna Clandfield.

87. Alberta Justice.

88. Alberta Justice.

89. Ont. EAB.

90. Alberta Energy.

91. Alberta Energy.

92. Ont. EAB.

93. Ont. EAB.

94. Alberta Construction Association.

About the Board | Rules | Decisions | Annual Report | E-mail | Home